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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,793	11/12/1998	BYUNG KEUN LIM	K-039	5887

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EXAMINER

ELALLAM, AHMED

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 04/08/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/189,793

Applicant(s)

LIM, BYUNG KEUN

Examiner

AHMED ELALLAM

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 30-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

This communication is responsive to the Amendment filed on February 04, 2003.

The Amendment has been entered.

### ***Claim Objections***

1. Claims 33, 37, and 41 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claims 30, 34 and 38 respectively. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitation of "each of the reverse communication channels is an uplink communication channel; and each of the forward communication channels is a downlink communication channel" does not further limit the subject matter of base claims, because it is known that any channel can be either an up-link or down-link channel.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 30-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Omura, US (5,235,615).

Regarding claims 30-42, with reference to figure 1, Omura discloses a mobile communication system comprising a plurality of remote unit and a base station, a system in which the base station communicates to the plurality of remote units with a plurality of base-communications signals (forward communication channels) which are modulated with spread-spectrum and transmitted simultaneously and on the same carrier frequency from the base station. Each of the base-communications signals has its own unique chip codeword. Each chip codeword of each base-communications signal is orthogonal to other chip codewords used by the plurality of base-communications signals. The plurality of remote units communicates to the base station with the plurality of remote communications signals (reverse communication channels), respectively, which are modulated with spread-spectrum. The plurality of remote-communications signals, which use the same carrier frequency, are transmitted from the plurality of remote units, respectively, so that the plurality of remote-communications

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signals arrive simultaneously at the base station. Each chip codeword of each remote-communications signal is orthogonal to chip codewords of the plurality of remote-communications signals. Each of the remote-communications signals has its own unique chip codeword. For a particular two-way communications channel between a particular mobile using and the base station, the unique chip codeword used for the base-communications signal and the remote-communications signal, respectively, may be the same. See column 2, lines 38-63. Omura further discloses having each chip codeword of each remote-communications signal to be orthogonal to chip codewords of a plurality of remote communication signals which are modulated with a spread-spectrum and that for a particular two-way communications channel between a particular remote unit and the base station, the unique chip codeword used for the base-communications signal and the remote communications signal may be identical, See column 6, lines 28-51, and having a plurality of remote-communications signals, which are modulated with spread-spectrum, the remote communication-signal communicates information from each remote unit (mobile station), see column 5, lines 4-18. In addition, Omura discloses that the base station 110 communicates to the plurality of remote units with a plurality of base-communication signals, and that the plurality of remote units communicate to the base station 110, see column 6, lines 16-42. (Corresponding to the limitations of claims 30-42).

### ***Response to Arguments***

3. The 112 1<sup>st</sup> and 2<sup>nd</sup> rejections have been withdrawn.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (703) 308-6069. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AHMED ELALLAM  
Examiner  
Art Unit 2662  
April 7, 2003

